

OFFICERS AND EMPLOYEES

Chapter 40

OFFICERS AND EMPLOYEES

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[HISTORY: Adopted by the Board of Trustees of the Village of Sherburne as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Residency Requirements

[Adopted 4-9-1990 by L.L. No. 1-1990]

§ 40-1. Residency requirements.¹

Any appointed village officer must reside within the county in which the village is wholly or partially situated.

ARTICLE II

1991 Retirement Incentive Program

[Adopted 8-12-1991 by L.L. No. 1-1991]

§ 40-2. Purpose; legislative authority.

The Village of Sherburne hereby elects to provide all its eligible employees with a retirement incentive program authorized by Chapter 178, Laws of 1991.

§ 40-3. Commencement date.

The commencement date of the retirement incentive program shall be October 2, 1991.

¹ Editor's Note: The preamble which immediately preceded this section read as follows:

"WHEREAS, the village may find it necessary to make an appointment of a village officer whose residency is not within the boundaries of the village, and

"WHEREAS, to do so the village must conform to § 3-300, Subdivision 2(a), of the Village Law of the State of New York.

§ 40-4. Open period.

The open period during which eligible employees may retire and receive the additional retirement benefit shall be 90 days in length.

§ 40-5. Actuarial present value.

The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this article shall be funded over a five-year period. The amount of the annual payment in each of the five years shall be determined by the Actuary of the New York State and Local Employee's Retirement System, and it shall be paid by the Village of Sherburne for each employee who receives the retirement benefits payable under this article.

ARTICLE III
1997 Retirement Incentive Program
[Adopted 7-28-1997 by L.L. No. 1-1997]

§ 40-6. Purpose; legislative authority.

The Village of Sherburne hereby elects to provide all of its eligible employees with a retirement incentive program authorized by Chapter 41, Laws of 1997.

§ 40-7. Commencement date.

The commencement date for the retirement incentive program shall be September 1, 1997.

§ 40-8. Open period.

The open period during which eligible employees may retire and receive the additional retirement benefit shall be 90 days in length.

§ 40-9. Actuarial present value.

The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this article shall be paid as one lump sum or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the Village of Sherburne for each employee who receives the retirement benefits payable under this article.

ARTICLE IV**1999 Retirement Incentive Program
[Adopted 8-23-1999 by L.L. No. 4-1999]****§ 40-10. Purpose; legislative authority.**

The Village of Sherburne hereby elects to provide all of its eligible employees with a retirement incentive program authorized by Chapter 70, Laws of 1999.

§ 40-11. Commencement date.

The commencement date of the retirement incentive program shall be October 3, 1999.

§ 40-12. Open period.

The open period during which eligible employees may retire and receive the additional retirement benefit shall be 90 days in length.

§ 40-13. Actuarial present value.

The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this article shall be paid as one lump sum or in five annual installments. The amount of the annual payment shall be determined by the

§ 40-13

OFFICERS AND EMPLOYEES

§ 40-13

Actuary of the New York State and Local Employee's Retirement System, and it shall be paid by the Village of Sherburne for each employee who receives the retirement benefits payable under this article.

Chapter 50**PROCUREMENT POLICY**

- § 50-1. Determination of type of purchase; competitive bidding.**
- § 50-2. Procedure for securing goods and services; exceptions.**
- § 50-3. Methods of purchase.**
- § 50-4. Inability to obtain required number of proposals.**
- § 50-5. Documentation required.**
- § 50-6. Exceptions.**
- § 50-7. Effective date; annual review.**

[HISTORY: Adopted by the Board of Trustees of the Village of Sherburne 12-9-1991. Amendments noted where applicable.]

§ 50-1. Determination of type of purchase; competitive bidding.

Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item is not subject to competitive bidding. The decision that a purchase is not subject to competitive bidding will be documented by writing down either written or verbal quotes from varying vendors. In the event that a purchase is considered exempt, a copy of the contract indicating the source of exemption will suffice. In the event of an emergency, a memo from the department head detailing the circumstances

surrounding said emergency shall be kept. Any other written documentation that would support the explanation of either exempt or emergency status must be kept.

§ 50-2. Procedure for securing goods and services; exceptions.

All goods and services will be secured by use of a request for proposals, written quotations, verbal quotations or any other method that assures that the lowest possible price was obtained and that favoritism will be avoided. This procedure shall be observed unless the following exceptions exist:

- A. Purchase contracts over ten thousand dollars (\$10,000.).
- B. Public works contracts over twenty thousand dollars (\$20,000.).
- C. Goods purchased from agencies for the blind or handicapped pursuant to § 175-b of the State Finance Law.
- D. Goods purchased from correctional institutions pursuant to § 186 of the Correction Law.
- E. Purchases under state contracts pursuant to § 104 of the General Municipal Law.
- F. Purchases under Chenango County contracts pursuant to § 103, Subdivision 3, of the General Municipal Law.
- G. Purchases pursuant to § 50-6 of this procurement policy.

§ 50-3. Methods of purchase.

The following methods of purchase will be used when required by this procurement policy in order to achieve the highest savings:

| Estimated Amount of Purchase | Method Used |
|-------------------------------------|--------------------|
| \$250 to \$3,000 | 2 verbal quotes |

**Estimated Amount
of Purchase****Method Used**

\$3,001 to \$9,999

3 written quotes or
requests for proposals**Estimated Amount of
Public Works Contract****Method Used**

\$250 to \$3,000

2 verbal quotes

\$3,001 to \$4,999

2 written quotes or
requests for proposals

\$5,000 to \$19,999

3 written quotes or
requests for proposals**§ 50-4. Inability to obtain required number of proposals.**

A good faith effort shall be made to obtain at least two (2) quotations. If the department head is unable to obtain the required number, they shall so note their efforts in the documentation file. In no event shall the failure to obtain the proposals be a bar to the procurement.

§ 50-5. Documentation required.

- A. Documentation is required of each action taken in connection with each purchase.
- B. Documentation and explanations are required whenever a contract is awarded to other than the lowest responsible bidder. The documentation shall prove the cost savings or the failure to be responsible. A determination that the bidder is not responsible shall be made only by the Village Board and may not be challenged under any circumstances.

§ 50-6. Exceptions.

Pursuant to General Municipal Law § 104-b, Subdivision 2f, this procurement policy may contain circumstances when or types of procurements for which, in the sole discretion of the Board of Trustees, the solicitation of alternative proposals or quotations will be not in the best interest of the village. In the following circumstances, it may not be in the best interests of the Village of Sherburne to solicit quotations or document the basis for not accepting the lowest bid:

- A. Professional services or those requiring special or technical skills.
 - (1) The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price, and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures. When determining whether a service fits into this category, the Village Board of Trustees shall take into consideration the following:
 - (a) Whether the services are subject to state licensing or testing.
 - (b) Whether substantial formal education or training is a prerequisite to the job.
 - (c) Whether the services require a personal relationship between the parties.
 - (2) Professional or technical services shall include but not be limited to the following:
 - (a) Attorney.
 - (b) Doctor.
 - (c) Engineer.
 - (d) Insurance carrier.

- (e) Certified public accountant.
 - (f) Investment management services.
 - (g) Printing services.
 - (h) Computer software or programming services.
- B. Emergency purchases pursuant to § 103, Subdivision 4, of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately, and a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.
- C. Purchases of surplus or secondhand goods from any source. If alternate proposals are required, the village is precluded from purchasing surplus and secondhand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods, and a lower price may indicate an older product.
- D. Goods or services under five hundred dollars (\$500.). The time and documentation required to purchase through this chapter may be more costly than the item itself and would, therefore, not be in the best interests of the community. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

§ 50-7. Effective date; annual review.

This chapter shall go into effect January 1, 1992, and will be reviewed annually.

§ 60-1

SEAL

§ 60-1

Chapter 60

SEAL

§ 60-1. Wording.

[HISTORY: Adopted by the Board of Trustees of the Village of Sherburne 4-26-1948 as Art. I, Sec. 1, of the 1948 Compilation. Amendments noted where applicable.]

§ 60-1. Wording.

The Corporate Seal of the Village of Sherburne shall consist of the words "The Village of Sherburne," enclosed within the circumference of a circle, in the center of which shall be the words "Seal of."

§ 63-1

TERMS OF OFFICE

§ 63-1

Chapter 63

TERMS OF OFFICE

ARTICLE I
Mayor and Trustees

§ 63-1. Purpose.

§ 63-2. Terms of office.

§ 63-3. Biennial elections.

§ 63-4. Terms of office during transitional period.

[HISTORY: Adopted by the Board of Trustees of the Village of Sherburne as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Elections — See Ch. 15.

ARTICLE I
Mayor and Trustees
[Adopted 1-20-1999 by L.L. No. 1-1999¹]

§ 63-1. Purpose.

Pursuant to Village Law, § 3-302, Subdivision 5, Paragraph a, the Village of Sherburne Board of Trustees has determined that for continuity and cost effective reasons it is desirable for the terms of its elected officials to be four years.

¹ Editor's Note: This local law was subject to permissive referendum and was approved by a majority of the voters at a general election held March 16, 1999.

§ 63-2. Terms of office.

- A. The term of office for the Mayor of the Village of Sherburne shall be four years.
- B. The term of office for all the Trustees of the Village of Sherburne shall be four years.

§ 63-3. Biennial elections.

Pursuant to Village Law § 3-302, Subdivision 7, Paragraph a, village general elections shall be held biennially in even-numbered years.

§ 63-4. Terms of office during transitional period.

Pursuant to Village Law § 3-302, Subdivision 7, Paragraph e, the two Trustees whose terms expire in 2000 will be elected for a four-year term. The Mayor and two Trustees whose terms expire in 2001 shall serve one five-year term. Elections shall thereafter be held on the even-numbered years for terms of four years.

§ 67-1

ALCOHOLIC BEVERAGES

§ 67-1

Chapter 67

ALCOHOLIC BEVERAGES

§ 67-1. Legislative intent.

§ 67-2. Definitions.

§ 67-3. Consumption; possession.

§ 67-4. Exceptions.

§ 67-5. Applicability.

§ 67-6. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Sherburne 8-8-1994 as L.L. No. 1-1994. Amendments noted where applicable.]

GENERAL REFERENCES

Peace and good order — See Ch. 178.
Vehicles and traffic — See Ch. 239.

§ 67-1. Legislative intent.

It is the intent of the Village of Sherburne, as an exercise of its police power, to promote the general health, safety and welfare of the residents and inhabitants of the Village of Sherburne by enacting this chapter, since it is the finding of the Sherburne Village Board that the possession of open containers of alcoholic beverages by persons on certain public lands, except under controlled conditions, is detrimental to the health, safety and welfare of the residents of the village, in that such possession contributes to the development of unsanitary conditions and the creation of nuisances, including but not limited to littering and raucous or other disorderly behavior. It is further the intent of the Sherburne Village Board that this

chapter not be considered as a traffic regulation insofar as it relates to motor vehicles or the operation thereof.

§ 67-2. Definitions.

For the purpose of this chapter, the following shall have the meanings ascribed to them. All other words shall have the meanings normally ascribed to them in regular usage.

ALCOHOLIC BEVERAGE — Includes alcohol, spirits, liquor, wine, beer, hard cider and every liquid or solid, patented or not, containing alcohol, spirits, wine, beer or hard cider and capable of being consumed by a human being.

CONTAINER — Any bottle, can, glass or other receptacle suitable for or used to hold any liquid.

PUBLIC LANDS — Any highway, street, sidewalk, park or playground.

VILLAGE — The Village of Sherburne.

§ 67-3. Consumption; possession.

It shall be a violation of this chapter for any person to:

- A. Consume any alcoholic beverage on any public land within the Village of Sherburne.
- B. Have in their possession any open container containing any alcoholic beverage on any public lands within the Village of Sherburne.
- C. Have within their possession for the purposes of consumption on public lands by either themselves or another person any open container containing an alcoholic beverage on any public lands within the Village of Sherburne.

§ 67-4. Exceptions.

- A. The foregoing prohibitions shall not apply in the event of a fair, picnic or other community gathering for which special permission has been granted by the Village of Sherburne.
- B. The foregoing prohibitions shall not apply to the transportation of an unsealed but not open container across public lands of the village from one (1) point to another, with no intent to consume the contents of such open container while upon public lands.

§ 67-5. Applicability.

This chapter shall apply to all persons on public lands in the Village of Sherburne except as provided in § 67-4 and shall not apply to any persons drinking alcoholic beverages while operating a motor vehicle upon any public highway within the village in violation of § 1227 of the Vehicle and Traffic Law of the State of New York.

§ 67-6. Penalties for offenses.

Each violation of this chapter shall be punishable by a fine not exceeding two hundred fifty dollars (\$250.) for each offense. A violation of this chapter shall constitute disorderly conduct, and any person violating the same shall be declared a disorderly person.

PART II

**GENERAL
LEGISLATION**

ANIMALS

Chapter 69

ANIMALS

ARTICLE I

Running at Large; Use of Sidewalks and Public Places

- § 69-1. **Animals at large.**
- § 69-2. **Animals prohibited on sidewalks and public places.**
- § 69-3. **Penalties for offenses.**

ARTICLE II

Dogs

- § 69-4. **Purpose.**
- § 69-5. **Legislative authority.**
- § 69-6. **Title.**
- § 69-7. **Definitions.**
- § 69-8. **Restrictions.**
- § 69-9. **Enforcement.**
- § 69-10. **Seizure.**
- § 69-11. **Complaint.**
- § 69-12. **Penalties for offenses.**

ARTICLE III

Wild or Exotic Animals

- § 69-13. **Legislative authority.**
- § 69-14. **Purpose.**

- § 69-15. Definitions.
- § 69-16. Prohibited acts.
- § 69-17. Permit procedure.
- § 69-18. Conduct at hearing.
- § 69-19. Waiver of hearing and issuance of permit.
- § 69-20. Revocation of permit.
- § 69-21. Seizure.
- § 69-22. Review of actions.
- § 69-23. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Sherburne: Art. I, 4-26-1948 as Secs. 32 and 33 of the 1948 Compilation; Art. II, 7-13-1987 as L.L. No. 2-1987; Art. III, 7-13-1987 as L.L. No. 3-1987. Amendments noted where applicable.]

GENERAL REFERENCES

Circuses, carnivals and exhibitions — See Ch. 97.
Peace and good order — See Ch. 178.
Streets and sidewalks — See Ch. 219.

ARTICLE I

Running at Large; Use of Sidewalks and Public Places
[Adopted 4-26-1948 as Secs. 32 and 33
of the 1948 Compilation]

§ 69-1. Animals at large.

No person owning or having in their possession any horse, cattle, fowls or any other animal or animals shall permit the same or any one of them to run at large on any of the streets, sidewalks, lanes, alleys, parks or public grounds or places in the Village of Sherburne, New York.

§ 69-2. Animals prohibited on sidewalks and public places.

No person shall ride, drive or lead any horse or other animal upon the sidewalks of the Village of Sherburne, New York, except in necessarily crossing the same and in loading and unloading goods and chattels, or leave any horse untied or hitched an unreasonable length of time on any street or public place therein or ride, drive or lead or put or permit any horse or other animal in or upon public grounds of said village.

§ 69-3. Penalties for offenses.¹

Any violation of this Article shall be punishable by a maximum fine of two hundred fifty dollars (\$250.) or by imprisonment for not more than fifteen (15) days, or both.

ARTICLE II

Dogs

[Adopted 7-13-1987 as L.L. No. 2-1987]

§ 69-4. Purpose.

The Board of Trustees of the Village of Sherburne finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs have caused physical harm to persons and damage to property and have created nuisances within the village. The purpose of this Article is to protect the health, safety and well-being of persons and property by imposing restrictions on the keeping and running at large of dogs within the village.

¹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 69-5. Legislative authority.²

This Article is enacted pursuant to the provisions of § 124 of the Agriculture and Markets Law of the State of New York.

§ 69-6. Title.

The title of this Article shall be the "Dog Control Law of the Village of Sherburne."

§ 69-7. Definitions.

As used in this Article, the following words shall have the following respective meanings:

AGRICULTURE AND MARKETS LAW — The Agriculture and Markets Law of the State of New York in effect as of the effective date of this Article, as amended by this Article, and as amended thereafter.

ANIMAL CONTROL OFFICER — Any person authorized from time to time to enforce the provisions of this Article or the provisions of the Agriculture and Markets Law of the State of New York.³

CONFINED — That such animal is securely confined or restrained or kept on the owner's premises, either within a building, kennel or other suitable enclosure or securely fastened on a chain, wire or other effective tether of such length and so arranged that the animal cannot reach or endanger any person on any adjacent premises or on any public street, way or place, or, if the animal is being transported by the owner, that it is securely confined in a crate or other container or so restrained in a vehicle that it cannot be expected to escape therefrom.

² Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

³ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

DOG — Male and female, licensed and unlicensed.

OWNER — The party purchasing the license, unless the dog is or has been lost and such loss reported to the Animal Control Officer and reasonable search has been made. If an animal is not licensed, the term “owner” shall designate and cover any person or persons, firm, association or corporation who or which at any time owns or has custody or control of, harbors or is otherwise responsible for, any animal which is kept, brought or comes within the village. Any person owning or harboring a dog for a period of one (1) week prior to the filing of any complaint charging a violation of this Article shall be held and deemed to be the “owner” of such dog for the purpose of this Article. If the “owner” of any dog found to be in violation of this Article is a minor, the head of the household in which said minor resides shall be deemed to have custody and control of said dog and shall be responsible for any acts of said dog and for violation of this Article.⁴

~~RECREATIONAL AREAS~~ — Any real property within the Village of Sherburne owned or leased by the village or other government or public authority which is used for recreational purposes for the public, including but not being limited to parks or playgrounds.

RUN AT LARGE — To be in a public place or on private lands without the knowledge, consent and approval of the owner of such lands.

VILLAGE — Designates the area within the corporate limits of the Village of Sherburne.

⁴ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 69-8. Restrictions.

- A. It shall be unlawful for any owner of any dog in the Village of Sherburne to permit or allow such dog to:
- (1) Run at large, unless the dog is restrained by an adequate leash or unless it is accompanied by its owner or a responsible person able to control it by command.
 - (2) Engage in habitual loud howling, barking, crying or whining or conduct itself in such a manner as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of the dog.
 - (3) Uproot, dig or otherwise damage any vegetables, lawns, flowers, garden beds or other property not belonging to the owner of the dog.
 - (4) Chase, jump upon or at or otherwise harass any person in such manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury.
 - (5) Habitually chase, run alongside of or bark at motor vehicles while on a public street or highway or upon public or private property other than property of the owner or harbinger of the dog.
 - (6) Create a nuisance by defecating, urinating or digging on public property or private property other than the property of the owner of the dog.
 - (7) If a female dog, be off the owner's premises when in heat.
- B. Establishment of the fact or facts that the owner or harbinger of the dog has allowed or permitted such dog to commit any of the acts prohibited by this section shall be presumptive evidence against the owner or harbinger of such dog that he has failed to properly confine, leash or control his dog.

§ 69-9. Enforcement.⁵

This Article shall be enforced by an Animal Control Officer, as defined herein.

§ 69-10. Seizure.

- A. Only a dog found running at large in violation of this Article may be seized by any Animal Control Officer, exercising such degree of force as shall be necessary to effect such seizure without intentionally injuring or harming such dog. Such dog shall be impounded and disposed in accordance with the provisions of this Article and/or Article 7 or other applicable provisions of the Agriculture and Markets Law.⁶
- B. After any such seizure, the record owner of the dog or an adult member of their family, if the owner is ascertainable from the dog's license tag, shall be notified personally by serving such owner or adult with a notice, in writing, stating that the dog has been seized and may be destroyed unless redeemed.
- C. A dog owner may redeem their dog from the pound upon payment in cash of five dollars (\$5.) for the impounding of the dog, plus the cost of keeping, feeding and caring for the dog while in the custody of the Animal Control Officer.⁷
- D. No action may be maintained against the Village of Sherburne, any duly designated Animal Control Officer or any other agent or officer of the village to recover the possession or value of any dog or for damages for injury

⁵ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

⁶ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

⁷ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

or compensation for the destruction of any dog seized or destroyed pursuant to the provisions of this Article.⁸

§ 69-11. Complaint.

- A. Any person who observes a dog in violation of this Article may file a complaint under oath with the Village Police or any other law enforcement agency specifying the nature of the violation, the date thereof, a description of the dog and the name and residence, if known, of the owner or harbinger of the dog.
- B. Upon receipt by the law enforcement agency of any such complaint, they shall summon the alleged owner to appear in the Village Court to answer such charges.

§ 69-12. Penalties for offenses.⁹

Upon conviction, a violation of this Article shall be deemed an offense and be punishable by a maximum fine of two hundred fifty dollars (\$250.) or by imprisonment for not more than fifteen (15) days, or both, unless otherwise provided by Article 7 of the Agriculture and Markets Law.

**ARTICLE III
Wild or Exotic Animals
[Adopted 7-13-1987 as L.L. No. 3-1987]**

§ 69-13. Legislative authority.

This Article is adopted pursuant to authority granted by the New York State Constitution Article IX; the Municipal Home Rule Law § 10, Subdivision 1a(12); and the Village Law § 4-412.

⁸ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

⁹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 69-14. Purpose.

This Article is adopted in order to protect the health, safety and well-being of persons and property by imposing restrictions on the harboring of wild or exotic animals within the Village of Sherburne. The Village Board of the Village of Sherburne finds that the harboring of wild or exotic animals within the Village of Sherburne may be offensive to other residents of the village so as to constitute a public nuisance and may pose a threat to the safety of its inhabitants. No wild or exotic animal shall be kept within the Village of Sherburne except as permitted by this Article.

§ 69-15. Definitions.

As used in this Article, the following words shall have the following meanings:

HARBOR — To keep or contain upon private property or to permit another to keep or contain upon private property.

WILD OR EXOTIC ANIMAL— Any animal whose natural or usual habitat within the State of New York is in the wild as opposed to a domesticated environment, regardless of whether such animal poses an actual or apparent threat to persons, other animals or property. For purposes of this Article, the following animals normally found within a domesticated environment within the State of New York are specifically declared not to be “wild or exotic animals” subject to regulations under this Article: tropical birds, such as canaries, parakeets, parrots and myna birds, guinea pigs, gerbils, hamsters, white mice, turtles other than snapping turtles and tropical fish, the ownership of which is otherwise legal.

VILLAGE— The corporate limits of the Village of Sherburne.

ANIMAL CONTROL OFFICER — The person appointed by the Village Board to enforce the provisions of this Article.

WILD OR EXOTIC ANIMAL HEARING OFFICER — The person appointed by the Village Board to conduct hearings pursuant to this Article.

§ 69-16. Prohibited acts.

No person shall harbor a wild or exotic animal within the Village of Sherburne, nor shall any person permit, allow or cause any wild or exotic animal to be upon public property within the village unless the harborer of such animal shall have first obtained a permit to harbor such animal.

§ 69-17. Permit procedure.

- A. Applications for a permit to harbor a wild or exotic animal may be obtained upon request from the Village Clerk, who, upon request, shall also make available copies of this Article.
- B. Properly completed applications shall be submitted by the person requesting the permit to the Animal Control Officer, who shall keep a permanent record of all applications for permits to harbor a wild or exotic animal and shall also keep a permanent record of the disposition of each application for a permit.
- C. Upon receipt of a properly completed application, the Animal Control Officer shall schedule a public hearing to be held for the purpose of determining whether the requested permit should be granted or denied.
- D. At least seven (7) days prior to such hearing, the Animal Control Officer shall give notice thereof, to be in writing, to the applicant by mail and shall also cause a legal notice thereof to be published in the official village newspaper.

§ 69-18. Conduct at hearing.

- A. At the hearing, all interested persons shall be entitled to be heard, including but not limited to the person seeking the permit or the Animal Control Officer and any experts either may ask to speak.
- B. No permit authorizing the harboring of a wild or exotic animal shall be granted unless and until the person seeking the permit shall have satisfied the Hearing Officer that:
 - (1) Such animal does not constitute a present or future threat to the safety and well-being of the residents of the Village of Sherburne, their animals or property.
 - (2) Such animal does not constitute a nuisance to those who may be exposed to it, including but not limited to the immediate neighbors of the harborer of such animal. A wild or exotic animal shall be deemed a nuisance if it or methods used to care for it are unsightly or are likely to create offensive sounds or odors. A wild or exotic animal shall also be deemed a nuisance if exposure to it creates a reasonable apprehension of danger.
 - (3) The harborer of such animal has the ability to provide a safe, healthy and humane environment for the animal and prevent its escape.
 - (4) The ownership or harboring of such animal is otherwise permitted by law.
- C. Following conclusion of the hearing, the Hearing Officer shall render a decision, in writing, granting or denying the requested permit. Copies of such determination shall constitute a permanent record and shall be sent by mail to the Animal Control Officer and to the person requesting such permit. In the event that the decision is in favor of granting the requested permit, the Animal Control Officer shall forthwith issue such permit to the applicant. In the event that the decision denies the

requested permit, such decision shall specify the reasons for such denial.

§ 69-19. Waiver of hearing and issuance of permit.

Notwithstanding the provisions of §§ 69-17 and 69-18 preceding, if the Animal Control Officer shall be satisfied upon the application for a permit to harbor a wild or exotic animal that each of the criteria set forth in § 69-18B have been met, the Animal Control Officer is authorized to waive the required hearing and forthwith issue the requested permit. In any such case, the requirements of §§ 69-17 and 69-18 must be complied with upon receipt by the Animal Control Officer of a petition requiring such compliance, signed by at least ten (10) residents of the Village of Sherburne.

§ 69-20. Revocation of permit.

- A. At any time after a permit is granted pursuant to this Article, the Animal Control Officer, upon the filing of a complaint or upon the Animal Control Officer's own initiative, may seek revocation of such permit. Except as hereinafter provided, no permit shall be revoked by the Animal Control Officer until after a determination by the Hearing Officer supporting such revocation following a public hearing, as provided above. During such hearing, the same criteria and notice requirements as set forth above shall apply in determining whether a permit shall be revoked.
- B. Notwithstanding the above, any permit granted pursuant to this Article may be summarily revoked by the Animal Control Officer or by any police officer if there is reasonable cause to believe that the animal for whom the permit was issued constitutes a present threat to the safety and well-being of persons, other animals or property. In such cases, notice of such revocation shall be given by the most expeditious means to the harborer of such animal by the person revoking such permit.

§ 69-21. Seizure.

In any case where no permit has been issued for a wild or exotic animal found within the village or a permit for any wild or exotic animal has been revoked pursuant to the provisions of § 69-18 preceding, such animal may be immediately seized by the Animal Control Officer or by any police officer. In such cases, the person seizing such animal shall transport or deliver such animal or animals to any agency or facility equipped and authorized by law to possess such animal or animals, including a public or private zoo or society for the prevention of cruelty to animals. Whenever any animal shall be seized pursuant to this section, such seizure shall be immediately reported to the owner or harbinger of such animal by the most expeditious means, if such owner or harbinger can be ascertained. Notice shall also be given to the Animal Control Officer in cases where the animal or animals have been seized by someone other than the Animal Control Officer. Within five (5) days following such notice to the owner or harbor of such animal, the Animal Control Officer shall schedule a hearing before the Hearing Officer to determine whether such seizure was proper. Notice of such hearing shall be given in the same manner as other hearings conducted pursuant to this Article. If the Hearing Officer shall determine that the seizure was proper, title to such animal shall rest in the Village of Sherburne, which may then dispose of such animal in such manner as the Village Board shall determine. If the Hearing Officer shall determine that the seizure was improper, the Hearing Officer shall direct the Animal Control Officer to return such animal or animals to the owner or harbinger thereof and reissue the permit, if any, therefor.

§ 69-22. Review of actions.

All actions of the Animal Control Officer or the Hearing Officer pursuant to this Article shall be subject to review pursuant to Article 78 of the Civil Practice Law and Rules, which shall be the exclusive remedy of persons aggrieved by such actions.

§ 69-23. Penalties for offenses.

- A. Violations of this Article shall be prosecuted by the Animal Control Officer or by any duly authorized police officer.
- B. Any person who shall willfully violate the provisions of this Article shall be guilty of a violation and shall be subject to a fine not exceeding two hundred fifty dollars (\$250.) or imprisonment up to fifteen (15) days, or both. In the event of a continuing violation, each week shall constitute a separate offense.

§ 79-1

BINGO

§ 79-1

Chapter 79

BINGO

§ 79-1. Purpose; restrictions.

§ 79-2. Penalties for offenses.

[HISTORY: Adopted by the Board of the Village of Sherburne 6-21-1958;¹ amended in its entirety 4-1-1963. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Circuses, carnivals and exhibitions — See Ch. 97.
Games of chance — See Ch. 136.

§ 79-1. Purpose; restrictions.²

It shall be lawful for any authorized organization, as defined in § 476 of Article 14-H of the General Municipal Law, upon obtaining the required license, to conduct the game of bingo within the territorial limits of the Village of Sherburne, subject to the provisions of this chapter, Article 14-H of the General Municipal Law and Article 19-B of the Executive Law and the following restrictions:

- A. No person, firm, association, corporation or organization other than a licensee under the provisions of Article 14-H of the General Municipal Law shall conduct such game or shall lease or otherwise make available for conducting bingo a hall or other premises for any consideration whatsoever, direct or indirect.

¹ Editor's Note: This ordinance was passed at referendum 7-7-1958.

² Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- B. No bingo games shall be held, operated or conducted on or within any leased premises if rental under such lease is to be paid, wholly or partly, on the basis of a percentage of the receipts or net profits derived from the operation of such game.
- C. No authorized organization licensed under the provisions of Article 14-H of the General Municipal Law shall purchase or receive any supplies or equipment specifically designed or adapted for use in the conduct of bingo games from other than a supplier licensed under the Bingo Control Law³ or from another authorized organization.
- D. The entire net proceeds of any game of bingo and of any rental shall be exclusively devoted to the lawful purposes of the organization permitted to conduct the same.
- E. No prize shall exceed the sum of value of two hundred fifty dollars (\$250.) in any single game of bingo.
- F. No series of prizes on any one (1) bingo occasion shall aggregate more than one thousand dollars (\$1,000.).
- G. No person except a bona fide member of any such organization shall participate in the management or operation of such game.
- H. No person shall receive any remuneration for participating in the management or operation of any game of bingo.

§ 79-2. Penalties for offenses.

The unauthorized conduct of a bingo game and any willful violation of any provision of this chapter shall constitute and be punishable as a misdemeanor.

³ Editor's Note: See also Executive Law § 430 et seq.

Chapter 87

BUILDINGS, NUMBERING OF

- § 87-1. **Legislative intent.**
- § 87-2. **Assignment of numbers.**
- § 87-3. **Location and size of numbers.**
- § 87-4. **Responsibility of property owner.**
- § 87-5. **Penalties for offenses.**

[HISTORY: Adopted by the Board of Trustees of the Village of Sherburne 10-25-1993 as L.L. No. 1-1993. Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention and building construction — See Ch. 125.
Property maintenance — See Ch. 187.
Streets and sidewalks — See Ch. 219.

§ 87-1. Legislative intent.

The County of Chenango has authorized the installation of an E911 system within the county which is intended to reduce the response time for emergency services in every town and village throughout the county, thereby resulting in a benefit to the health, safety and welfare of all residents. In order to accomplish this purpose, the Board of Trustees of the Village of Sherburne recognizes the need to require that all parcels of real property within the village be numbered and that the numbers must be conspicuously placed on said parcels so as to be identifiable for response by emergency services.

§ 87-2. Assignment of numbers.

The Board of Trustees of the Village of Sherburne shall have authority to assign numbers to every parcel of real property within the village. Such numbers shall be sequential, with odd numbers on one (1) side of a street and even numbers on the other side. This authority may be assigned to any designated person by the Board of Trustees. In the event that a parcel of vacant real property is legally able to be subdivided, such parcel shall be allocated as many numbers as may be anticipated to be necessary to accomplish the purpose of this section. All property owners assigned a new number shall be notified, in writing, of the number assigned to the property owned.

§ 87-3. Location and size of numbers.

- A. The number or numbers assigned to a parcel of real property, as set forth in § 87-2 of this chapter, shall be conspicuously shown by placement on the principal building situated on the lot. Such numbers shall be placed on the side of the building facing the street upon which the property is situated. In the event that the principal building on a lot is set back more than fifty (50) feet from the street line, the number or numbers shall be placed upon a mailbox, gatepost, fence or other appropriate place so that it shall be visible from the street.
- B. Numbers on a residential building shall be not less than three (3) inches in height. Numbers on nonresidential buildings shall be not less than four (4) inches in height. All numbers shall be clearly visible and shall be in a contrasting color to the building or place upon which they are affixed.

§ 87-4. Responsibility of property owner.

Within thirty (30) days after notification that a number has been assigned to a parcel or real property, the owner of said real

§ 87-4 BUILDINGS, NUMBERING OF § 87-5

property or the agent of such owner shall place or cause to be placed on such real property the number or numbers assigned to such real property. Such owner or agent shall be required to maintain the placement of such number or numbers in accordance with such section.

§ 87-5. Penalties for offenses.¹

Any owner of real property or the agent of such owner who violates any of the provisions of this chapter shall be guilty of a violation and shall be subject to a maximum fine of two hundred fifty dollars (\$250.) or imprisonment for not more than fifteen (15) days, or both. Each week on which such violation continues shall constitute a separate violation.

¹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 97-1

CIRCUSES AND CARNIVALS

§ 97-2

Chapter 97

CIRCUSES, CARNIVALS AND EXHIBITIONS

§ 97-1. License required.

§ 97-2. Issuance of license; fees.

§ 97-3. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Sherburne 4-26-1948 as part of Sec. 47 of the 1948 Compilation. Amendments noted where applicable.]

GENERAL REFERENCES

Animals — See Ch. 69.
Bingo — See Ch. 79.
Games of chance — See Ch. 136.
Littering — See Ch. 158.
Noise — See Ch. 168.
Peddling and soliciting — See Ch. 181.

§ 97-1. License required.

All persons be and they are hereby prohibited from holding or operating or showing of any public circus, carnival or similar place of amusement for money or hire or the giving of public exhibitions or performances or entertainments in any place within the limits of the Village of Sherburne, New York, without first having obtained a license therefor.

§ 97-2. Issuance of license; fees.

Licenses for the holding, operating or showing of any circus, carnival or similar place of amusement for money or hire or the giving of exhibitions or performances or entertainments as provided for in the foregoing section shall be issued by the

§ 97-2

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§ 97-3

Village Clerk or under the Village Clerk's direction, and the fee for the same shall be as follows:

A. For one (1) day: one hundred dollars (\$100.).¹

B. For one (1) week: fifty dollars (\$50.).

§ 97-3. Penalties for offenses.²

Any violation of this chapter shall be punishable by a maximum fine of two hundred fifty dollars (\$250.) or by imprisonment for not more than fifteen (15) days, or both.

¹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

² Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

FENCES AND WALLS

Chapter 114 FENCES AND WALLS

- § 114-1. **Applicability.**
- § 114-2. **Definitions.**
- § 114-3. **Approval Required.**
- § 114-4. **Application for permit; issuance.**
- § 114-5. **Fees.**
- § 114-6. **Height Limitations.**
- § 114-7. **Location restrictions.**
- § 114-8. **Materials and composition.**
- § 114-9. **Prohibited fences and materials.**
- § 114-10. **Chain link fences.**
- § 114-11. **Entrances and gates.**
- § 114-12. **Finished side**
- § 114-13. **Erection within property line.**
- § 114-14. **Visibility.**
- § 114-15. **Security fences.**
- § 114-16. **Maintenance of fences.**
- § 114-17. **Other provisions.**
- § 114-18. **Appeals.**
- § 114-19. **Penalties for offenses.**

[HISTORY: Adopted by the Village Board of the Village of Sherburne 9-21-2020 by L.L. No. 1-2020.]

§ 114-1. SHERBURNE CODE § 114-4.

GENERAL REFERENCES

§ 114-1. Applicability.

This chapter shall apply to all fences and/or walls. (Any reference to fences shall also include walls.) None of the provisions of this chapter shall apply to any fence used for agricultural purposes on premises which are primarily agricultural in use.

§ 114-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FENCE -- An artificially constructed barrier of wood, masonry, stone, wire, metal or any other manufactured material or combination of materials, or natural plantings, other than temporary uses such as garden fences, snow fences or rabbit fences.

§ 114-3. Approval required.

No fence (except a temporary garden fence) free standing wall, arbor or trellis shall be erected without the approval of and issuance of a permit by the Code Enforcement Officer.

§ 114-4. Application for permit; issuance.

Before any work is begun, any person or organization intending to erect a fence shall make application to the Code Enforcement Officer on a form provided by the Code Enforcement Officer. The application shall be accompanied by a plan or sketch showing the proposed dimensions and location of the fence and the materials proposed to be used, which must be in accordance with this chapter and any other law regulating construction within the Village and shall be accompanied by the prescribed fee. Upon approval by the Code Enforcement Officer, a permit shall be issued. Construction of the permitted fence must be completed within one year of the issuance of the permit. The permit shall be available on the job during the progress of the work so that it may be inspected by proper officials.

§ 114-5. Fees.

The fee for issuance of a fence permit shall be \$20.

§ 114-6. Height limitations.

No fence shall be more than eight feet in height at the rear of a home or building in any zoning district. No fence or portions of a fence forward of the rear building line or the rear building line extended shall be more than four feet in height.

§ 114-7. Location restrictions.

Any fence shall be placed at least one foot back from any street or highway boundary line. Any fence or planting higher than 36 inches shall be placed at least 25 feet back from the edge of the pavement and five feet back from the property owner's edge of sidewalk.

§ 114-8. Materials and composition.

Any fence, wall or shrubbery which unduly cuts off light or air or which may cause a nuisance, a fire hazard, a dangerous condition, an obstruction to fire fighters and equipment for combating fires or which may affect public safety is expressly prohibited.

§ 114-9. Prohibited fences and materials.

The following fences and fencing materials are specifically prohibited except on premises which are primarily agricultural or commercial in use:

A: Barbed wire. (Barbed wire exceptions for non-residence properties)

No barbed wire or similar *fence* or any *fence* in which barbed wire or similar wire is used shall be erected, maintained or used except in non-residence properties, and subject to approval of the Village Board in accordance with the following conditions and after a public hearing:

§ 114-9.

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§ 114-9.

1. The *fence* on which barbed wire is to be used is six feet or higher;
 2. The construction of the barbed wire and *fence* meets the specifications of the Village Board;
 3. The use of barbed wire will not prevent the reasonable and orderly use of adjacent properties;
 4. The use of barbed wire will not prevent the reasonable and orderly use of permitted or legally established uses in the district wherein the property is located or in adjacent districts;
 5. The use of barbed wire will cause no undue endangerment of the health, safety and welfare of the populous of the town;
 6. In a non-residence district, the use of barbed wire atop a six-foot high or higher chain link *fence* surrounding open storage areas (i.e., car *lot*, industrial supply, equipment, etc.) will inhibit unauthorized access into such areas; and
 7. Wherever barbed wire is installed, a *sign* must be posted cautioning the public about said barbed wire.
- B. Electrically charged fences.
C. Poultry fences.
D. Snow fences, except during the months of November to April.
E. Expandable fences and collapsible fences, except during construction.

§ 114-10. Chain link fences.

All chain link fences erected shall be erected with the closed loop at the top of the fence.

§ 114-11. Entrances and gates.

All entrances or gates shall open into the property. Openings for emergency access shall be provided in accordance with the standards of the National Fire Prevention Association.

§ 114-12. Finished side.

All fences shall have the smooth side or finished side facing to the outside of the property owner installing the fence. Fence posts shall be placed on the inside of the fence.

§ 114-13. Erection within property line.

All fences must be erected within the property line.

§ 114-14. Visibility.

No fence shall be erected so as to encroach on a public right-of-way or interfere with vehicular or pedestrian traffic or visibility. The Code Enforcement Officer or Highway Superintendent shall have the authority to direct, in writing, the removal, trimming or modification of any shrubs, bushes, plants, trees, flowers or other vegetation, fence, wall, hedge or other structure on private or public property wherever the same shall interfere with adequate visibility of operators of motor vehicles. Any person who shall refuse or neglect to comply within 15 days with the written direction of the Code Enforcement Officer or Highway Superintendent shall be guilty of a violation of this chapter and shall be subject to its penalties.

§ 114-15. Security fences.

Notwithstanding the provisions of this chapter, the Code Enforcement Officer may issue a permit for the construction of

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§ 114-18.

a security fence for commercial and/or industrial properties upon due application to and approval by the Code Enforcement Officer. The Code Enforcement Officer may deny such application if it is found upon application that such fence is not appropriate.

§ 114-16. Maintenance of fences.

Every fence hereinafter erected within the Village of Sherburne shall be finished or painted in such fashion and in such color as to be aesthetically consistent with its surroundings. Thereafter, each such fence shall be repainted at least every three years or, if any portion thereof shall be the subject of weathering or disrepair so as to render it obviously offensive to the character of the area in which it is erected, shall be repainted and restored to its original condition within seven days after receipt by the owner of the appurtenant premises of a notice which shall be issued by the Building Inspector. If any fence or portion thereof will be in need of repair or replacement, it shall be repaired or replaced within seven days after the receipt of a notice from the Building Inspector to that effect.

With reference to any fences which exist in the Village of Sherburne prior to the effective date of this section, such fence or fences shall be subject to all of the provisions of this section, except that the periodic painting required herein of fences erected before the effective date of this section shall be required with reference to such preexisting fences two years after the effective date of this section and every three years thereafter.

§ 114-17. Other provisions.

A fence must conform with NYS Uniform Fire and Building Code and this law does not override provisions of state law.

§ 114-18. Appeals.

Upon denial of an application for a permit, an applicant may appeal the Code Enforcement Officer's decision to the

§ 114-18. FENCES AND WALLS § 114-19.

Village Board within 30 days of such denial.

§ 114-19. Penalties for offenses.

A violation of this chapter is an offense punishable by a fine not exceeding \$250 or by imprisonment for not more than 15 days, or by both such fine and imprisonment. For the purpose of conferring jurisdiction upon courts and judicial offices, violations of this chapter shall be deemed to be misdemeanors. Each week the violation continues shall be deemed to be an additional violation.

§ 120-1

FIREARMS

§ 120-2

Chapter 120

FIREARMS

§ 120-1. Title.

§ 120-2. Definitions.

§ 120-3. Discharge prohibited.

§ 120-4. Exceptions.

§ 120-5. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Sherburne at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

GENERAL REFERENCES

Noise — See Ch. 168.

Peace and good order — See Ch. 178.

§ 120-1. Title.

This chapter shall be known as “Chapter 120, Firearms, of the Village of Sherburne.”

§ 120-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FIREARM — Any pistol, revolver, rifle, shotgun, air gun, sling shot or bow and arrow which discharges a bullet, cartridge, shell, shot, arrow, bolt or other missile propelled by the burning or explosion of gunpowder, by high pressure from pumping or other means, by a spring

which is set by a cocking operation or by the application and release of tension or pressure to a bow spring attached to such weapon or instrument.

§ 120-3. Discharge prohibited.

No person shall, except in self defense and when reasonably necessary for the protection of life and property, fire or discharge or cause to be fired or discharged any projectiles firing ammunition from any firearm as defined in this chapter within the boundaries of the Village of Sherburne, except on a duly licensed indoor shooting range.

§ 120-4. Exceptions.

- A. The prohibitions in this chapter shall not apply to any officer of the law while engaged in the protection of the safety of the people within the Village of Sherburne.
- B. The Village Board of Trustees may permit the discharge of firearms within the Village of Sherburne upon any appropriate occasion of public ceremony.
- C. The operation of the indoor shooting ranges within the Village limits of the Village of Sherburne, New York, without a license duly issued in accordance with the Village Law of the State of New York shall be prohibited. The annual fee for such license shall be five dollars (\$5.).

§ 120-5. Penalties for offenses.

Any person who violates any provision of this chapter shall, upon conviction thereof, be subject to a fine of no more than two hundred fifty dollars (\$250.) or imprisonment for a term not exceeding fifteen (15) days, or by both such fine and imprisonment.